

THURSDAY, APRIL 9, 1992

EIGHTY-SECOND LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Donald Cobb, First Baptist Church, Livingston, Tennessee.

Representative Windle led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Cross; due to medical reasons.

Representative Garrett; due to illness.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

REPORT OF COMMITTEE ON CALENDAR AND RULES

April 9, 1992

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Monday, April 13, 1992:** House Bill(s) No(s). 1873.

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We have also set the following bills on the **Regular Calendar** for **Wednesday, April 15, 1992**: House Bill(s) No(s). 1150, 2732, 2497, 2406, 2553, 2687, 2753, 2335, 2194, 926, 1000 and 2228; also, House Joint Resolution(s) No(s). 474.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 13, 1992**: House Bill(s) No(s). 2498, 2748, 2749, 2578 and 2399; House Joint Resolution(s) No(s). 629 and 630; also, Senate Joint Resolution(s). 324.

PHILLIPS, Chair.

REGULAR CALENDAR

***Senate Bill No. 0473** -- Election Laws -- Restricts certain political campaigning. Amends TCA 2-7-111.

Further consideration of Senate Bill No. 473, previously considered on April 3, 1991, at which time it was substituted for House Bill No. 1414, Amendment No. 1 was withdrawn; Amendment No. 2 was tabled and the bill was reset to April 17, 1991; then the bill was reset to the Calendar for April 9, 1992.

Rep. West moved that Senate Bill No. 473 be reset to the next available space to the Calendar for **Wednesday, April 15, 1992**, which motion prevailed.

***House Bill No. 2550** -- County Officers -- Authorizes county executive to appoint temporary successor if absent 21 days or more, successor to be chosen from county employees and upon approval of county legislative body; prohibits members of county legislative body and relatives from seeking position. Amends TCA 5-5-103.

Rep. Robinson (Washington) moved that House Bill No. 2550 be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 2400 -- Solid Waste Disposal -- Establishes uniform financial accounting system for each county, solid waste authority and municipality relating to management of solid waste; prohibits release of state funds unless activities accounted for in special fund. Amends TCA 68-31-874.

On motion, House Bill No. 2400 was made to conform with Senate Bill No. 2397.

On motion, Senate Bill No. 2397, on same subject, was substituted for House Bill No. 2400.

Rep. Bragg moved that Senate Bill No. 2397 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Joyce Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2402 -- Budget Procedures -- Establishes criteria for publication of annual county operating budget and budgetary comparisons. Amends TCA 5-8-507; Title 6, Ch. 2, Pt. 1; Title 6, Ch. 22, Pt. 1; Title 6, Ch. 35, Pt. 3.

On motion, House Bill No. 2402 was made to conform with Senate Bill No. 2398.

On motion, **Senate Bill No. 2398**, on same subject, was substituted for House Bill No. 2402.

Rep. Bragg moved that **Senate Bill No. 2398** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Bragg moved that **Senate Bill No. 2398** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper,

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Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1412 -- Taxes, Excise -- Revises allocation formula for cities and counties under bank excise tax revenues. Amends TCA 67-4-813.

On motion, House Bill No. 1412 was made to conform with Senate Bill No. 1143.

On motion, Senate Bill No. 1143, on same subject, was substituted for House Bill No. 1412.

Rep. Bragg moved that Senate Bill No. 1143 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Bragg moved that Senate Bill No. 1143 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 2720 -- Charitable Solicitations --** Prohibits persons from using name of department of safety or subdivision for purpose of soliciting fees and other considerations without written

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authorization of commissioner. Amends TCA, Title 39, Ch. 14.

Rep. Bragg moved that House Bill No. 2720 be reset to the next available space to the Calendar for Wednesday, April 15, 1992, which motion prevailed.

House Bill No. 2284 -- Local Education Agency -- Revises apportionment of local education funds. Amends TCA 49-3-315.

Rep. Bragg moved that House Bill No. 2284 be reset to the next available space to the Calendar for Wednesday, April 15, 1992, which motion prevailed.

***House Joint Resolution No. 0311 -- Memorials, Congress --** Makes application for constitutional convention to propose amendment requiring balanced budget.

Rep. Joyce moved that House Joint Resolution No. 311 be adopted.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 311 by deleting the caption thereof in its entirety and by substituting instead the following new language:

A RESOLUTION to memorialize the President of the United States and the U.S. Congress relative to the federal budget.

AND FURTHER AMEND by adding the following new language between the fifth and sixth preamble clauses of the printed resolution:

WHEREAS, this General Assembly has previously made application to the U.S. Congress, by means of resolution, to call a constitutional convention for the purpose of considering and proposing a balanced budget amendment; and

WHEREAS, while a constitutional convention for this purpose has yet to become a reality, the time for a balanced federal budget has definitely arrived; and

AND FURTHER AMEND by deleting the first resolving clause in its entirety and by substituting instead the following new language:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That this General Assembly hereby urges the President of the United States to annually submit

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a balanced budget to the U.S. Congress, and the Congress is hereby urged to adopt only a balanced budget.

AND FURTHER AMEND by deleting the second, third and fourth resolving clauses in their entirety.

AND FURTHER AMEND by deleting from the fifth resolving clause the language and punctuation "and to each house of the legislature and to the Secretary of State of each of the several states." and by substituting instead the language and punctuation "and to the Honorable George H. Bush, President of the United States."

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Joyce moved that House Joint Resolution No. 311, as amended, be adopted, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2267 -- Housing -- Authorizes state to match local funds to deliver human resources without having specific allocation in General Appropriations Act. Amends TCA, Title 13, Ch. 26.

Further consideration of House Bill No. 2267, previously considered on April 2, 1992, at which time it was reset to the Calendar for April 9, 1992.

Rep. Crain moved that House Bill No. 2267 be reset to the next available space to the Calendar for Wednesday, April 15, 1992, which motion prevailed.

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House Bill No. 2765 -- State Government -- Enacts "Open Appointments Act". Amends TCA, Title 10, Ch. 7.

On motion, House Bill No. 2765 was made to conform with Senate Bill No. 2626.

On motion, **Senate Bill No. 2626**, on same subject, was substituted for House Bill No. 2765.

Rep. Chumney moved that **Senate Bill No. 2626** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 2.

Rep. Chumney moved that **Senate Bill No. 2626** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1817 -- Sunset Laws -- Health facilities commission, June 30, 1994. Amends TCA, Title 4, Ch. 29; Title 33, Ch. 5; Title 56, Ch. 7; Title 68, Ch. 11.

Further consideration of House Bill No. 1817, previously considered on April 6, 1992, at which time it was reset to the Calendar for April 9, 1992.

Rep. King moved that House Bill No. 1817 be passed on third and final consideration.

Rep. Herron moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1817 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 68-11-102, is amended by adding the words and punctuation "ambulatory surgical treatment center;" in an appropriate place in the definition of "Health care institution", and by deleting from those institutions not included in the definition of "Health care institution" the words and punctuation "ambulatory surgical treatment center" or "ambulatory surgical center" wherever such words appear.

Section _____. Tennessee Code Annotated, Section 68-11-106(e)(4), is amended by deleting the words and punctuation "the establishment, construction or renovation of an ambulatory surgical treatment center, or".

Section _____. Tennessee Code Annotated, Section 68-11-106(a)(4), is amended by adding the language "outpatient surgery" at the end of the list of health care services for which a certificate of need is required for the initiation of such services.

Rep. Rhinehart moved that Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes.	22
Noes.	67
Present and not voting.	3

Representatives voting aye were: Allen, Bell, Bivens, Chiles, Duer, Harrill, Hassell, Hill, Hillis, Hubbard, Kernell, King, McAfee, Meyer, Niceley, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Turner (Shelby), Venable -- 22.

Representatives voting no were: Anderson, Armstrong, Arriola, Bittle, Bragg, Buck, Byrd, Chumney, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Gibson), Davis (Knox), Dixon, Ferguson, Givens, Gunnels, Haley, Halteman, Haun, Head, Herron, Holcomb, Holt, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kisber, Knight, Liles, McDaniel, McKee, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rinks, Severance, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 67.

Representatives present and not voting were: Fowlkes, Love, Rigsby -- 3.

Rep. Collier moved the previous question, which motion prevailed.

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On motion, Amendment No. 1 was adopted.

Rep. Herron moved to amend as follows:

Amendment No. 2

Amend House Bill No. 1817 by deleting in the directory language of Section 2 the citation "Section 4-29-215(a)" and by substituting instead the citation "Section 4-29-216(a)".

On motion, Amendment No. 2 was adopted.

Rep. King moved that House Bill No. 1817 be passed on third and final consideration.

Rep. Jackson moved the previous question, which motion prevailed.

Thereupon, Rep. King moved that **House Bill No. 1817**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	78
Noes.	16
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Coffey, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Haun, Head, Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Severance, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Allen, Bell, Chiles, Copeland, Duer, Harrill, Hassell, Hill, McAfee, Meyer, Niceley, Robinson (Washington), Shirley, Venable, Whitson, Wood -- 16.

Representatives present and not voting were: Clark -- 1.

A motion to reconsider was tabled.

House Bill No. 2657 -- School Transportation -- Limits seating on school buses to number which can be safely seated, as determined by commissioner of education, plus one additional child per row. Amends TCA 49-6-2110.

Further consideration of House Bill No. 2657, previously considered on March 23, 1992, at which time it was referred to the

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Finance, Ways and Means Committee. On April 7, 1992, the Calendar and Rules Committee placed the bill on the Calendar for April 9, 1992.

Rep. Rhinehart moved that **House Bill No. 2657** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	2
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Liles, Tindell -- 2.

Representatives present and not voting were: Nuber -- 1.

A motion to reconsider was tabled.

***House Bill No. 2030 -- Pensions and Retirement Benefits --** Revises TCRS disability retirement allowances. Amends TCA 8-36-501, 502.

Rep. Rhinehart moved that **House Bill No. 2030** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	82
Noes.	5
Present and not voting.	7

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Coffey, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Love, McDaniel, Moore, Napier, Niceley, Nuber, Odom,

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Peroulas Draper, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Allen, Cole, Liles, Meyer, Sipes -- 5.

Representatives present and not voting were: Buck, Herron, Holcomb, McKee, Pinion, Tullos, Williams (Union) -- 7.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to aye on House Bill No. 2030 and have this statement entered in the Journal.

Rep. Ralph Cole

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2031** -- Pensions and Retirement Benefits -- Allows state employee who is member or retired member of armed forces who participated in Persian Gulf War to receive retirement credit for such service. Amends TCA 8-34-605.

On motion, House Bill No. 2031 was made to conform with Senate Bill No. 2090.

On motion, **Senate Bill No. 2090**, on same subject, was substituted for House Bill No. 2031.

Rep. Rhinehart moved that **Senate Bill No. 2090** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Council on Pensions and Insurance Committee Amendment No. 1.

Rep. Rhinehart moved that **Senate Bill No. 2090** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	93
Noes.	1
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Allen -- 1.

Representatives present and not voting were: Buck -- 1.

A motion to reconsider was tabled.

***House Bill No. 2033 -- Pensions and Retirement Benefits --**
Allows teachers in political subdivision to establish TCRS credit for periods of previous service rendered to that subdivision. Amends TCA 8-34-206, 8-34-316, 8-34-401, 8-34-503, 8-34-605; Title 8, Ch. 35, Pt. 2, 8-35-111, 8-36-601, 8-36-101, 108; Title 8, Ch. 37, Pt. 1. Repeals TCA 8-35-238, 8-37-112.

Rep. Rhinehart moved that House Bill No. 2033 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Council on Pensions and Insurance Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2033 by deleting the amendatory and directory language in Section 17 in its entirety and by substituting instead the following:

SECTION 17. Tennessee Code Annotated, Section 8-36-101, is amended by designating the existing language as subsection (a) and by adding the following as subsection (b):

(b) This section shall not apply to a retiree receiving a disability retirement allowance if such retiree is also receiving social security disability benefits. Any member who is approved for a disability

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retirement allowance and desires to convert his retirement allowance in accordance with subsection (a) shall be required to provide to the retirement system within thirty (30) days after notification of such approval, that the member has made application for social security disability benefits. If the application for social security benefits is denied, the member shall be given thirty (30) days from the date of denial in which to seek a reconsideration of his claim from the social security administration and to notify the retirement system of such action. Should the member's claim for social security disability benefits be denied upon reconsideration, he shall, within thirty (30) days after notice of such denial, file an appeal to the administrative law judge and notify the retirement system of his action. The member is required to keep the retirement system informed of the status of his claim for social security disability benefits through the entire appeals process as specified herein. Failure to comply with the requirements of this subsection shall result in a reduction of the member's disability retirement allowance to the amount which would have been payable had the member selected the regular plan, and the member shall be required to make a payment equal to the difference in benefits received and the regular plan.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that House Bill No. 2033, as amended, be passed on third and final consideration.

On motion of Rep. Rhinehart, House Bill No. 2033 was moved five spaces down on the Calendar.

***House Bill No. 2230 -- Motor Vehicles --** Requires vehicle identification numbers on trailers, semitrailers, wreckers and snow plows; allows seizure of such vehicles without vehicle identification numbers. Amends TCA 55-5-106, 110.

Rep. Crain moved that House Bill No. 2230 be reset to the next available space to the Calendar for Wednesday, April 15, 1992, which motion prevailed.

House Bill No. 2523 -- Driver Licenses -- Establishes new requirements; prorates fees for 5 year renewal cycles. Amends TCA 55-12-138; Title 55, Ch. 50.

On motion, House Bill No. 2523 was made to conform with Senate Bill No. 2537.

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On motion, Senate Bill No. 2537, on same subject, was substituted for House Bill No. 2523.

Rep. Purcell moved that Senate Bill No. 2537 be passed on third and final consideration.

Rep. Phillips moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 2537 by adding the following new section to precede the effective date section:

SECTION _____. Tennessee Code Annotated, Section 55-50-321, is amended by adding at the end of subsection (c)(1) the following:

Notwithstanding any provision of law to the contrary, the commissioner may waive inclusion on the application of a social security number for those persons who request that their social security number not be included.

Rep. Purcell moved the previous question, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Purcell moved that Senate Bill No. 2537, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 1767 -- Osteopathy -- Increases number of members of board of osteopathic examination constituting quorum from three to four. Amends TCA, Title 63, Ch. 9.

On motion, House Bill No. 1767 was made to conform with Senate Bill No. 1824.

On motion, **Senate Bill No. 1824**, on same subject, was substituted for House Bill No. 1767.

Rep. Bivens moved that **Senate Bill No. 1824** be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Bivens moved that **Senate Bill No. 1824** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tulos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1947 -- Tort Liability -- Revises date of repeal of limited tort liability for certain white waterrafting and horseback riding activities from June 1, 1992 to June 1, 1997. Amends Chapter 904, Public Acts of 1990. Amends TCA 29-34-202, 203.

Rep. Bivens moved that **House Bill No. 1947** be passed on third

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and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2033** -- Pensions and Retirement Benefits -- Allows teachers in political subdivision to establish TCRS credit for periods of previous service rendered to that subdivision. Amends TCA 8-34-206, 8-34-316, 8-34-401, 8-34-503, 8-34-605; Title 8, Ch. 35, Pt. 2, 8-35-111, 8-36-601, 8-36-101, 108; Title 8, Ch. 37, Pt. 1. Repeals TCA 8-35-238, 8-37-112.

Further consideration of House Bill No. 2033, discussed earlier on today's calendar.

Rep. Rhinehart moved that House Bill No. 2033, as amended, be passed on third and final consideration.

Rep. Copeland moved to amend as follows:

Amendment No. 2

Amend House Bill No. 2033 by deleting Section 21 in its entirety and by renumbering the subsequent sections accordingly.

Rep. Givens moved the previous question, which motion prevailed.

On motion, Amendment No. 2 was adopted by the following vote:

Ayes.	63
Noes.	32
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Arriola,

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Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Duer, Ferguson, Fowlkes, Gunnels, Halteman, Hargrove, Hassell, Haun, Head, Hillis, Holcomb, Huskey, Jackson, Johnson, Joyce Kisber, Knight, McAfee, McDaniel, McKee, Moore, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Turner (Hamilton), Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Wood -- 63.

Representatives voting no were: Armstrong, Bragg, Chumney, Cole, Davis (Knox), DeBerry, Dixon, Givens, Haley, Harrill, Herron, Hill, Holt, Hubbard, Jones, R (Shelby), Jones, U (Shelby), Kent, Kernell, King, Liles, Love, Meyer, Napier, Niceley, Pruitt, Rinks, Tindell, Tullos, Turner (Shelby), Venable, Williams (Shelby), Mr. Speaker Naifeh -- 32.

Representatives present and not voting were: Nuber -- 1.

Thereupon, Rep. Rhinehart moved that **House Bill No. 2033**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Kernell, Liles -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to aye on **Amendment No. 2** to **House Bill No. 2033** and have this statement entered in the Journal.

Rep. Ken Givens

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REGULAR CALENDAR, CONTINUED

***House Bill No. 2623** -- General Assembly -- Creates contract services subcommittee. Amends TCA, Title 3, Ch. 7; Title 12, Ch. 4.

Rep. Pinion moved that House Bill No. 2623 be reset to the Calendar for Thursday, April 16, 1992, which motion prevailed.

House Bill No. 2235 -- Insurance, Health, Accident -- Allows funds returned to state by provider of supplemental medical insurance to be deemed to belong to those participating retirees during period gain was generated; allows state to hold funds in trust. Amends TCA 8-27-701.

Rep. Buck moved that House Bill No. 2235 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2235 by deleting Section 1 in its entirety and substituting the following in lieu thereof:

Section 1. Tennessee Code Annotated, Section 8-27-701 is amended by designating the language contained in this section as a subsection and by adding the following as a new subsection.

If, pursuant to any contract for insurance coverage authorized by this section, provider or administrator returns or refunds any amounts by which premiums or fees exceed expenses, those funds shall be used to establish any reserves necessary to provide such coverage, to reduce monthly premium or to refund payments directly to plan participants. To the extent to which premiums are reduced or refunds shall reflect the amount attributable to the type of coverage selected by the participant. In no instance shall the reductions or refunds be used to reduce the amount of state funding authorized in this section or become part of the General Fund.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved adoption of Council on Pensions and Insurance Committee Amendment No. 1 as follows:

Amendment No. 2

Amend House Bill No. 2235 by deleting Section 1 in its entirety and substituting the following in lieu thereof:

Section 1. Tennessee Code Annotated, Section 8-27-701, is amended by designating the language contained in this section as a subsection and by adding the following as a new subsection:

If, pursuant to any contract for insurance coverage authorized by this section, the provider or administrator returns or refunds any amounts by which premiums or fees exceed expenses, those funds shall be used to establish any reserves necessary to provide such coverage, to reduce monthly premium or to refund payments directly to plan participants. The extent to which premiums are reduced or refunds made shall reflect the amount attributable to the type of coverage selected by the participant. In no instance shall the reductions or refunds be used to reduce the amount of state funding authorized in this section or become part of the general fund.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Buck moved that House Bill No. 2235, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2182 -- Collection Agencies -- Authorizes assignment of claim for collection. Amends TCA, Title 62, Ch. 20.

Rep. Byrd moved that House Bill No. 2182 be reset to the Calendar for Thursday, April 16, 1992, which motion prevailed.

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House Bill No. 1815 -- Sunset Laws -- Water quality control board, June 30, 1999. Amends TCA, Title 4, Ch. 29; Title 60, Ch. 1; Title 68, Chs. 1, 13, 46; Title 69, Ch. 3.

On motion, House Bill No. 1815 was made to conform with Senate Bill No. 1934.

On motion, **Senate Bill No. 1934**, on same subject, was substituted for House Bill No. 1815.

Rep. King moved that **Senate Bill No. 1934** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1825 -- Sunset Laws -- Tennessee registry of election finance, June 30, 1999. Amends TCA, Title 2, Ch. 10; Title 3, Ch. 6; Title 4, Ch. 29; Title 8, Ch. 50; Title 12, Ch. 2.

On motion, House Bill No. 1825 was made to conform with Senate Bill No. 1924.

On motion, **Senate Bill No. 1924**, on same subject, was substituted for House Bill No. 1825.

Rep. King moved that Senate Bill No. 1924 be passed on third and final consideration.

Rep. King moved adoption of Government Operations Committee Amendment No. 2 as follows:

Amendment No. 1

Amend Senate Bill No. 1924 by adding the following new section immediately preceding the effective date section:

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Section _____. Tennessee Code Annotated, Section 12-2-418, is amended by deleting subsection (b) in its entirety, and by relettering the subsequent subsection accordingly.

On motion, Amendment No. 1 was adopted.

Rep. King moved adoption of Government Operations Committee Amendment No. 3 as follows:

Amendment No. 2

Amend Senate Bill No. 1924 by adding the following as new sections immediately preceding the effective date section:

Section _____. Tennessee Code Annotated, Section 8-50-501(c), is hereby amended by adding the following new sentence:

Any candidate or appointee who is holding the same position for which he or she is a candidate or appointee shall not be required to file the statement required by this subsection, as long as he/she is in compliance with Sections 8-50-503 and 504.

Section _____. Tennessee Code Annotated, Section 8-50-502(6), is amended by adding the following language at the end of the subdivision:

Provided, however, the expenditure of campaign funds by an officeholder for the furtherance of the office of the officeholder shall be considered as an expenditure under Title 2, Chapter 10, and such expenditures need not be reported under the provisions of this chapter.

Section _____. Tennessee Code Annotated, Section 2-10-102(5), is amended by adding the following language at the end of the subsection:

"Expenditure" also includes the use of campaign funds by an officeholder for the furtherance of the office of the officeholder.

On motion, Amendment No. 2 was adopted.

Rep. Kernell moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 1924 by adding the following new section immediately preceding the effective date section:

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Section _____. Tennessee Code Annotated, Title 3, Chapter 6, is amended by adding the following as a new section:

3-6- . Any person who engages in lobbying beyond personal or occasional petition without pay or any consideration, and therefore not required to register pursuant to Section 3-6-104, is encouraged to register with the registry of election finance in accordance with this section. Any person who so registers shall comply with all provisions of this chapter, except the registration fee shall be twenty five dollars (\$25.00) regardless of any amendments to Section 3-6-104. In addition, such registrant shall not be levied the privilege tax on lobbyists imposed by Chapter 529 (SB 777/HB 868) of the Public Acts of 1992.

Rep. Chiles moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes.	41
Noes.	37
Present and not voting.	7

Representatives voting aye were: Allen, Anderson, Bell, Bittle, Buck, Callicott, Chiles, Clark, Copeland, Davidson, Davis (Cocke), Duer, Givens, Gunnels, Halteman, Harrill, Hassell, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Joyce McAfee, Meyer, Nuber, Rhinehart, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Stamps, Tindell, Tullos, Walley, Williams (Shelby), Williams (Union), Wix -- 41.

Representatives voting no were: Armstrong, Arriola, Byrd, Chumney, Coffey, Cole, Collier, Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Haun, Herron, Jackson, Jones, R (Shelby), Kent, Kernell, King, Kisber, Knight, McKee, Moore, Niceley, Odom, Peroulas, Draper, Pinion, Purcell, Ridgeway, Severance, Sipes, Turner (Shelby), Venable, West, Whitson, Winningham, Wood -- 37.

Representatives present and not voting were: Bragg, Davis (Knox), Head, Liles, Turner (Hamilton), Windle, Mr. Speaker Naifeh -- 7.

Rep. King moved to amend as follows:

Amendment No. 4

Amend Senate Bill No. 1924 by deleting Section 2 in its entirety and by substituting instead the following language:

SECTION 2. Tennessee Code Annotated, Section 4-29-215(a), which terminates entities on June 30, 1994, is amended by adding the following language as a new item:

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() Tennessee registry of election finance,
created by §2-10-203;

Rep. Bivens moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes.	47
Noes.	38
Present and not voting.	3

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Crain, Davis (Cocke), Duer, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Holcomb, Holt, Huskey, Jackson, Johnson, Joyce Kent, Liles, McDaniel, McKee, Napier, Odom, Phillips, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Washington), Tindell, Tullios, Turner (Hamilton), Venable, West, Winningham, Wix, Mr. Speaker Naifeh -- 47.

Representatives voting no were: Allen, Armstrong, Arriola, Byrd, Cole, Collier, Davidson, Davis (Gibson), Davis (Knox), Dixon, Ferguson, Fowlkes, Hassell, Hill, Hillis, Hubbard, Jones, R (Shelby), Jones, U (Shelby), Kernell, King, Knight, McAfee, Meyer, Moore, Niceley, Peroulas Draper, Pinion, Rhinehart, Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Turner (Shelby), Whitson, Williams (Shelby), Windle, Wood -- 38.

Representatives present and not voting were: Bragg, Givens, Walley -- 3.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on the motion to table Amendment No. 3 to Senate Bill No. 1924 and have this statement entered in the Journal.

Rep. Beth Halteman

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on the motion to table Amendment No. 3 to Senate Bill No. 1924 and have this statement entered in the Journal.

Rep. Randy Stamps

REGULAR CALENDAR, CONTINUED

Rep. King moved that Senate Bill No. 1924 be passed, as amended, on third and final consideration.

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Pursuant to Rule No. 40, having voted on the prevailing side, Rep. Stamps moved that the House reconsider its action in tabling Amendment No. 3, which motion prevailed by the following vote:

Ayes.	60
Noes.	24
Present and not voting.	2

Representatives voting aye were: Armstrong, Arriola, Bivens, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Crain, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Gunnels, Halteman, Hargrove, Hassell, Haun, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, U (Shelby), Kent, Kernell, King, Kisber, Knight, McKee, Moore, Niceley, Odom, Peroulas Draper, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Severance, Sipes, Stamps, Tullos, Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood -- 60.

Representatives voting no were: Allen, Anderson, Bell, Bittle, Chiles, Collier, Copeland, Duer, Givens, Harrill, Hill, Holcomb, Liles, McAfee, McDaniel, Meyer, Napier, Phillips, Rinks, Robinson (Hamilton), Robinson (Washington), Tindell, Turner (Hamilton), Walley -- 24.

Representatives present and not voting were: Bragg, Love -- 2.

Rep. Stamps moved to reconsider the motion to table Amendment No. 3, which motion prevailed by the following vote:

Ayes.	63
Noes.	20
Present and not voting.	3

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Crain, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Gunnels, Halteman, Hargrove, Hassell, Head, Herron, Holt, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Moore, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Ridgeway, Robinson (Davidson), Sipes, Stamps, Tullos, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood -- 63.

Representatives voting no were: Allen, Anderson, Bittle, Chiles, Collier, Copeland, Duer, Givens, Harrill, Hill, Holcomb, Hubbard, Joyce McAfee, Meyer, Rinks, Robinson (Hamilton), Robinson (Washington), Tindell, Walley -- 20.

Representatives present and not voting were: Hillis, Rhinehart, Mr. Speaker Naifeh -- 3.

Thereupon, Rep. Kernell renewed the motion to adopt Amendment No. 3, which motion prevailed.

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Rep. Rhinehart moved the previous question, which motion prevailed.

Thereupon, Rep. King moved that **Senate Bill No. 1924**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: McAfee -- 1.

A motion to reconsider was tabled.

House Bill No. 1835 -- Sunset Laws -- Board of medical examiners, June 30, 1999. Amends TCA, Title 4, Ch. 29; Title 56, Ch. 3; Title 63; Title 63, Chs. 8, 19, 24; Title 68, Ch. 11.

Rep. King moved that **House Bill No. 1835** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson,

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Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2413 -- Education -- Requires inclusion of final arbitration of disputes over existing agreements between board of education and professional employees association. Amends TCA 49-5-612.

Rep. L. Turner (Shelby) moved that House Bill No. 2413 be reset to the Calendar for Thursday, April 16, 1992, which motion prevailed.

MESSAGE CALENDAR

***Senate Bill No. 0302** -- Physicians and Surgeons -- Extends license renewal time from sixty to ninety days. Amends TCA, Titles 63, 68.

Rep. Chiles moved that Senate Bill No. 302 be reset to the Message Calendar for Thursday, April 16, 1992, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 0602** -- Aircraft and Airports -- Establishes guidelines for operation of tour helicopters. Amends TCA, Title 42, Ch. 1.

Senate Amendment No. 3

AMEND House Bill No. 602 by deleting all the language of the bill following the caption and by substituting instead the following:

WHEREAS, the Great Smoky Mountains National Park is an invaluable natural resource for this state and for the nation, containing scenery of breathtaking beauty and majesty and a great variety of scenic and ecologically important flora and fauna; and

WHEREAS, millions of people have visited the Great Smoky Mountains National Park to enjoy its natural beauty; and

WHEREAS, a tourism industry has grown in the Tennessee counties in which part of the Great Smoky Mountains National Park is located; and

WHEREAS, a large number of people have taken up residence in these counties to enjoy the natural scenery and to work in the tourism industry and other industries

thriving in those areas; and

WHEREAS, because of this influx of people, a number of towns have grown into cities, creating the advantages and problems that arise with the growth of urban populations; and

WHEREAS, these counties and their citizens have invested great sums of money to provide lodging, restaurants and entertainment to attract the business of those people visiting the Great Smoky Mountains National Park; and

WHEREAS, the economies of these counties rely on income generated by the tourist industry; and

WHEREAS, the scenic beauty of the Great Smoky Mountain National Park has attracted a number of helicopter operations that carry tourists from heliports located on main roads near population centers in these counties to view the park from the air; and

WHEREAS, the use of this land for helicopter operations is inconsistent with the development of the tourist industry in those counties because the helicopters disturb the peace and quiet and interrupt the enjoyment of the area by most tourists; and

WHEREAS, the use of this land for helicopter operations is inconsistent with the residential development in those counties because the helicopters pose a safety hazard to residents in their homes and to motor vehicle operators on the area roads and highways, disturb the peace and quiet and interrupt the enjoyment of the area by residents in their homes and places of work, and interfere with the operation of schools, funeral ceremonies and other public events; and

WHEREAS, the counties in which the Great Smoky Mountains National Park is located experience a unique problem with helicopter operations that carry tourists because the size and inaccessibility of the park encourages sightseeing by helicopter; and

WHEREAS, helicopter flights to and from health care institutions provide an important medical benefit for residents and visitors and can often mean the difference between life and death of a patient, so that the public benefit from such flights outweighs the problems of noise and safety; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 42, Chapter 1, is amended by adding the following sections as a new part.

SECTION 2. As used in this act, unless the context otherwise requires:

(1) "Heliport" means land from which helicopters take off and land. Heliport does not include heliports operated by a health care institution as defined in Section 68-11-102(5) or land on which a helicopter makes a landing required by an emergency; and

(2) "Tourist resort county" means a county having more than five percent (5%) of its territory located within the boundaries of a national park established pursuant to 16 USC 403.

SECTION 3.

(a) Land in a tourist resort county within ten (10) miles of the boundary of a national park established pursuant to 16 U.S.C. § 403 cannot be used as a heliport.

(b) The department of transportation shall not issue or renew licenses pursuant to chapter 2 of this title for any heliport located on land subject to the prohibition in subsection (a), except that licenses may be renewed for heliports allowed to continue to operate under Section 4 of this act.

SECTION 4. Notwithstanding the provisions of Section 13-7-208 or any other law to the contrary, a heliport operating as of the effective date of this act that is in violation of Section 3(a) is declared a public nuisance and shall be abated, removed or changed to conform with this act by July 1, 1994. Such heliports may continue to operate until that date provided:

(a) The heliport is not extended or expanded; and

(b) If the use of the land or any portion thereof as a heliport is discontinued for a period of six (6) months or changed, any future use of the land shall be in conformity with this act.

SECTION 5. Any heliport operated in violation of this part shall be deemed a public nuisance causing irreparable injury to the state, the county in which the heliport is located, municipalities located in that county and the residents of the county. In addition to any other remedies or rights of action possessed by any person or governmental unit, persons who reside on land subject to the prohibitions in this act shall have a private right of action against a person operating a heliport in violation of this act and shall have the right to seek injunctive relief as allowed by law, to recover damages for nuisance,

and to recover costs and attorneys fees if the resident is the prevailing party.

SECTION 6. The provisions of this act shall not affect existing or future land use restrictions adopted by an incorporated city or town in a tourist resort county greater than those stated in this act.

SECTION 7. The provisions of this act shall not apply to any county which has county-wide zoning. If a county adopts county-wide zoning after the effective date of this act, then the provisions of this act shall not be applicable to such county.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to Amendment No. 3

Amend House Bill No. 602 by deleting in Section 3(a) the language "ten (10)" and by substituting instead the language "nine (9)".

Rep. Davis (Cocke) moved that the House concur in Senate Amendment(s) No(s). 3, as amended, to House Bill No. 602, which motion prevailed by the following vote:

Ayes.	90
Noes.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood -- 90.

Representatives voting no were: Johnson, Mr. Speaker Naifeh -- 2.

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A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Purcell moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bill No. 2690 can be heard by the Transportation Committee on Tuesday, April 14, 1992, which motion prevailed.

RULES SUSPENDED

Rep. Ray Davis moved that **Senate Joint Resolution No. 334**, which he had earlier re-referred to the Calendar and Rules Committee, be recalled from Committee and placed on the Consent Calendar for Monday, April 13, 1992, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved that the following rules be suspended, which motion prevailed:

Rule No. 17: the prefile rule so that all congratulatory and memorializing resolutions be introduced the day filed and referred to Calendar and Rules;

Rule No. 50: the 72-hour rule for posting the Consent Calendar so that we may have a consent calendar on a daily basis;

Rule No. 49: the 25-bill limit to allow longer calendars;

Rule No. 49: the 48-hour notice for floor calendars set by Calendar and Rules;

Rule No. 71: the 24-hour rule so that all amendments placed on members' desks will be properly filed;

Rule No. 59: notice provision so that all bills from the Senate with messages can be announced and automatically placed on the next message calendar;

Rule No. 76: meeting time provision so that session may meet hours other than 9 a.m. to 12:00 noon and 2:00 p.m. to 7:00 p.m.;

Rule No. 81(13): so that bills reported out of subcommittee may be heard on the next full committee calendar without waiting a week.

Rep. Purcell moved further that these rule suspensions be in effect for the remainder of the 97th General Assembly, which motion prevailed.

RULES SUSPENDED

Rep. Williams (Shelby) moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that House Bill No. 1744 could be heard by the Finance, Ways and Means Committee on Tuesday, April 14, 1992, which motion prevailed.

RULES SUSPENDED

Rep. Hillis moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 656 out of order, which motion prevailed.

House Joint Resolution No. 0656 -- Memorials, Death -- Grant Turner, "Voice of the Grand Ole Opry". by *Hillis.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hillis, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Holcomb moved to suspend the rules, so that House Joint Resolution No. 599 could be recalled from the State and Local Government Committee for immediate consideration, which motion prevailed.

House Joint Resolution No. 0599 -- Naming and Designating -- Arbor Day, April 10, 1992.

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On motion of Rep. Holcomb, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Robinson (Davidson) moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Joint Resolution No. 610 could be heard by the Transportation Committee on Tuesday, April 14, 1992, which motion prevailed.

RULES SUSPENDED

Rep. Turner (Hamilton) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 659 out of order, which motion prevailed.

House Joint Resolution No. 0659 -- Memorials, Sports -- Brainerd High School boys' basketball team, Class AAA state champions. by *Turner B, *Robinson C B, *McAfee, *Wood, *Copeland, *Meyer.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Turner (Hamilton), the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Turner (Hamilton) moved that the rules be suspended to recall Senate Joint Resolution No. 426 from the Monday, April 13, 1992, Consent Calendar for immediate consideration, which motion prevailed.

Senate Joint Resolution No. 0426 -- Memorials, Retirement -- Deputy Chief Carl A. Levi.

On motion of Rep. Turner (Hamilton), the resolution was concurred in.

A motion to reconsider was tabled.

NOTICE

Under the Suspension of Rule No. 59, it was announced that the following messages from the Senate would be considered on Monday, April 13, 1992: **Senate Bill No. 1399; Senate Bill No. 1730; House Bill No. 1897; House Bill No. 2755; also, House Bill No. 2443.**

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SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1942: Rep(s). Sipes as prime sponsor(s).

House Bill No. 1947: Rep(s). Callicott as prime sponsor(s).

House Bill No. 2039: Rep(s). Winningham as prime sponsor(s).

House Bill No. 2267: Rep(s). Hargrove and Sipes as prime sponsor(s).

House Bill No. 2615: Rep(s). Kisber as prime sponsor(s).

House Bill No. 2690: Rep(s). Herron as prime sponsor(s).

House Bill No. 2765: Rep(s). Hargrove, Sipes and Kernell as prime sponsor(s).

House Resolution No. 179: Rep(s). Givens as prime sponsor(s).

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Resolution No. 0181 -- Memorials, Sports -- Hardeman County Development Center basketball team. by *Walley.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0182 -- Memorials, Heroism -- Mary Lou Brown, Lawrenceburg. by *Moore.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0642 -- Memorials, Personal Occasion -- Mark and Andrew Scarbrough, 66th wedding anniversary. by *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0643 -- Memorials, Death -- Albert F. "Pat" Officer. by *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0644 -- Memorials, Death -- Nancy McCutcheon Underwood. by *Bragg.

Referred by the Speaker to the Calendar and Rules Committee.

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House Joint Resolution No. 0645 -- Memorials, Public Service -- Billy T. Green II. by *Bell.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0646 -- Memorials, Death -- Dr. Maycie Southall. by *Davidson, *McAfee.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0647 -- Memorials, Heroism -- Carter County Veterans of Korean Conflict. by *Cole.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0649 -- Memorials, Sports -- Maryville College basketball team. by *Anderson, *Huskey.

Referred by the Speaker to the Calendar and Rules Committee.

***House Joint Resolution No. 0650** -- General Assembly, Directed Studies -- Requests report on funding of agricultural programs. by *Jones U, *King, *Wood, *Love, *Pruitt, *Dixon, *DeBerry, *Armstrong, *Robinson C B, *Davidson.

Referred by the Speaker to the State and Local Government Committee.

***House Joint Resolution No. 0651** -- General Assembly, Directed Studies -- Requests department of transportation to conduct study to determine whether means exist to preserve right-of-way corridors. by *Rinks.

Referred by the Speaker to the State and Local Government Committee.

House Joint Resolution No. 0652 -- Memorials, Public Service -- Chattanooga Symphony and Opera Association. by *Turner B.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0653 -- Memorials, Public Service -- Allied Arts of Greater Chattanooga, board of directors. by *Turner B.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0654 -- Memorials, Public Service -- Thrasher Elementary School D.A.R.E. program and Signal Mountain Police Department. by *Turner B, *McAfee.

Referred by the Speaker to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

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House Bill No. 2840 -- South Pittsburg -- Revises charter. Repeals Chapter 63, Private Acts of 1917, as amended. by *Rhinehart.

Passed first consideration.

House Bill No. 2841 -- Smyrna -- Revises charter. Amends Chapter 284, Private Acts of 1915, as amended. by *Liles.

Passed first consideration.

House Bill No. 2842 -- Athens -- Revises charter. Amends Chapter 455, Private Acts of 1953, as amended. by *McKee.

Passed first consideration.

House Bill No. 2843 -- Franklin County -- Requires proceeds of litigation tax be placed in Jail Projects Fund to be used repair, maintenance and improvement of jail. Amends Chapter 28, Private Acts of 1983. by *Rigsby.

Passed first consideration.

House Bill No. 2844 -- Hickman County -- Divides into new school districts; provides number, selection and terms of board of education; provides transition period for existing board. Amends Chapter 671, Private Acts of 1929, as amended. by *Jackson.

Passed first consideration.

**REPORT OF DELAYED BILLS COMMITTEE
April 9, 1992**

Pursuant to Rule No. 78, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 2823, 2834 and 2835.

Jimmy Naifeh, Speaker
Bill Purcell
John Chiles

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

***Senate Bill No. 1858** -- Sunset Laws -- Board of optometry, June 30, 1999. Amends TCA, Title 4, Ch. 29; Title 63, Ch. 8; Title 68, Ch. 1. (HB 1837).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1898** -- Sunset Laws -- Solid waste disposal control board, June 30, 1999. Amends TCA, Title 4, Ch. 29; Title 7,

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Ch. 54; Title 68, Chs. 31, 46. (HB 1769).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1905** -- Sunset Laws -- Board of examiners for nursing home administrators, June 30, 1999. Amends TCA, Title 4, Ch. 29; Title 63, Ch. 16; Title 68, Ch. 11. (HB 1777).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1906** -- Sunset Laws -- Board of dispensing opticians, June 30, 1999. Amends TCA, Title 4, Chs. 3, 29; Title 63, Chs. 8, 14; Title 68, Ch. 1. (HB 1779).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1908** -- Sunset Laws -- Board of dentistry, June 30, 1999. Amends TCA, Title 4, Ch. 29; Title 27, Ch. 9; Title 63, Ch. 5; Title 68, Chs. 1, 11, 23. (HB 1784).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1911** -- Sunset Laws -- Air pollution control board, June 30, 1999. Amends TCA, Title 4, Ch. 29; Title 44, Ch. 18; Title 68, Chs. 25, 31, 46. (HB 1782).

Held pending third consideration of companion House Bill.

Senate Bill No. 2221 -- Hearing and Hearing Aids -- Prohibits public universities from repairing or selling hearing aids to members of public, but can repair or sell hearing aids to university students, persons served by the division of rehabilitation services, and persons served by committee for speech and hearing services. Amends TCA, Title 49. (*HB 1766).

Held pending third consideration of companion House Bill.

SENATE BILLS ON SECOND CONSIDERATION

On motion, the Senate Bills listed passed second consideration and were referred to committee or held on the Clerk's desk as noted:

Senate Bill No. 2505 -- Auditing -- Passed second consideration and held on the Clerk's desk.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 2837 -- Clarksville -- Passed second consideration and held on the Clerk's desk.

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House Bill No. 2839 -- Weakley County -- Passed second consideration and held on the Clerk's desk.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES
April 9, 1992**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2336, 2389, 2646 and 2839.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
April 9, 1992**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Monday, April 13, 1992:** House Resolution(s) No(s). 181 and 182; House Joint Resolution(s) No(s). 642, 643, 644, 645, 646, 647, 649, 652, 653 and 654; also, House Bill(s) No(s). 2336, 2389, 2646 and 2839.

PHILLIPS, Chair.

**ENGROSSED BILLS
April 8, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2030; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 8, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2030; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
April 8, 1992**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 569, 598, 611, 612, 613, 614, 617, 618, 619,

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621, 623, 625, 634, 635 and 641; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE GOVERNOR
April 8, 1992

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1587, 1780, 1781, 1791, 1809, 1810, 1811, 1818, 1819, 1820, 1823, 1826, 1827, 1828, 1829, 1868, 1898, 1974, 2333, 2341, 2349, 2351, 2539, 2778, 2780, 2781, 2782, 2784, 2790, 2791, 2792, 2797, 2798, 2801, 2807, 2808 and 2810; also, House Joint Resolution(s) No(s). 454, 456, 457, 529, 540, 556, 557, 559, 560, 561, 562, 563, 566, 568, 570, 571, 572, 574, 576, 577, 578, 582, 583, 587 and 592; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
April 8, 1992

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 946, 2059 and 2467; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

ENROLLED BILLS
April 8, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 1919, 2118, 2431, 2697, 2699, 2711, 2734, 2809, 2813, 2815, 2817, 2824 and 2826; House Resolution(s) No(s). 183; also, House Joint Resolution(s) No(s). 620; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED
April 9, 1992

The Speaker announced that he had signed the following: House Bill(s) No(s). 1919, 2118, 2431, 2697, 2699, 2711, 2734, 2809, 2813, 2815, 2817, 2824 and 2826; House Joint Resolution(s) No(s). 620; also, House Resolution(s) No(s). 183.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

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ENGROSSED BILLS

April 9, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1817, 1947, 2033, 2235 and 2657; also, House Joint Resolution(s) No(s). 311; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 9, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1835; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 9, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1654, 1687, 1688, 1965, 2068, 2107, 2333, 2416, 2484, 2495, 2536, 2620, 2648 and 2750; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

April 9, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 599, 656 and 659; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

April 9, 1992

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 1654, 1687, 1688, 1965, 2068, 2107, 2333, 2416, 2484, 2495, 2536, 2620, 2648 and 2750.

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MESSAGE FROM THE SENATE

April 9, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1963, 2000, 2209, 2488 and 2643; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 1963** -- Taxes, Real Property -- Allows reappraisal and equalization programs to be completed within four years as determined by assessor, property assessments director and approved by equalization board; requires updating of property values in third year of six year cycle. Amends TCA, Title 67, Ch. 5, Pt. 16. by *Crutchfield.

***Senate Bill No. 2000** -- Taxes, Real Property -- Revises law concerning property tax liens. Amends TCA, Title 67, Ch. 5, Pt. 26. by *Crutchfield.

***Senate Bill No. 2209** -- Municipal Government -- Allows municipalities to establish entertainment zones. Amends TCA, Title 13. by *Ford.

***Senate Bill No. 2488** -- County Government -- Increases the minimum size of special committees appointed by a county legislative body acting pursuant to the County Financial Management System of 1981. Amends TCA 5-21-105. by *Cooper.

***Senate Bill No. 2643** -- Taxes, Sales -- Provides 100 percent tax credit for cost of pollution controls purchased by automobile body paint shops. Amends TCA 67-6-507. by *Dunavant.

MESSAGE FROM THE SENATE

April 8, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1919, 2118, 2431, 2697, 2699, 2711, 2734, 2809, 2813, 2815, 2817, 2824 and 2826; also, House Joint Resolution(s) No(s). 620; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 9, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 428, 434, 435 and 437; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, APRIL 9, 1992 -- EIGHTY-SECOND LEGISLATIVE DAY

Senate Joint Resolution No. 0428 -- Memorials, Retirement -- Pastor Haddon Eugene Cotey. by *Womack.

Senate Joint Resolution No. 0434 -- Memorials, Sports -- Camden High School girls' basketball team. by *Springer, Hamilton.

Senate Joint Resolution No. 0435 -- Memorials, Death -- Dr. Alex Chambers. by *McKnight, Hamilton.

Senate Joint Resolution No. 0437 -- Memorials, Public Service -- Veronica F. Coleman, Juvenile Court Referee. by *Person.

**REPORT OF CHIEF ENGROSSING CLERK
April 9, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 1919, 2118, 2431, 2697, 2699, 2711, 2734, 2809, 2813, 2815, 2817, 2824 and 2826; also, House Joint Resolution(s) No(s). 620; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENROLLED BILLS
April 9, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 602 and 2030; also, House Joint Resolution(s) No(s). 569, 598, 611, 612, 613, 614, 617, 618, 619, 621, 623, 625, 634, 635 and 641; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**SIGNED
April 9, 1992**

The Speaker announced that he had signed the following: House Bill(s) No(s). 602 and 2030; also, House Joint Resolution(s) No(s). 569, 598, 611, 612, 613, 614, 617, 618, 619, 621, 623, 625, 634, 635 and 641.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

On motion of Rep. Purcell, the House recessed until 4:00 p.m., Monday, April 13, 1992.